

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14510, of Ralph Caruso and Jane Merritt, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the lot occupancy requirements (Sub-section 3303.1) and the open court width requirements (Sub-section 3306.1 and Paragraph 7105.12) to construct a second story, enclosed rear addition to a single family dwelling, a nonconforming structure, in a R-5-B District at premises 1880 Ontario Place, N.W., (Square 2583, Lot 362).

HEARING DECISION: November 19, 1986
DECISION DATE: November 19, 1986 (Bench Decision)

FINDINGS OF FACT:

1. The site, known as premises 1880 Ontario Place, N.W., is located on the southeast side of Ontario Place between Ontario Road and Adams Mill. It is in an R-5-B District.

2. The site is rectangular in shape with a frontage of 16.67 feet along Ontario Place and a depth of approximately 132 feet. A 15 foot wide alley is located to the rear of the site.

3. The site is improved with a two and a half story brick structure constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. At that date the structure became nonconforming as to open court width requirements.

4. The R-5-A District extends in all directions from the site. The area is developed primarily with apartment houses and row dwellings.

5. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicants are seeking variances from the lot occupancy requirements (Sub-section 3303.1) and the open court width requirement (Sub-section 3306.1 and Paragraph 7105.12) to construct a second story enclosed rear addition to the structure.

6. The applicants propose to remove the wooden rear second story porch which is rotted and replaced it with an enclosed porch on the first and second floors. The dimensions of the new porch would be 5 feet by 12 feet, the same dimensions as the original porch.

7. The applicants propose to construct a greenhouse to the rear of the new first floor porch. The greenhouse will be a glass structure sitting on a brick knee wall one and a half feet high. The structure will extend eight feet beyond the porch into the rear yard.

8. The roof line of the porch will remain even with the roof line of the neighbors' porch as it now is.

9. The existing porch which has been in place for approximately 50 years does not now meet the open court requirement of 6 feet. The addition will maintain the existing court width. If the proposed addition were narrowed by a foot and a half to meet the court width requirement the porch would not be even with the building line as the existing porch is and it would result in a porch only 11 feet wide.

10. By enclosing the porch and adding a greenhouse, the structure will exceed the lot occupancy by 8.9 percent, or 119.01 square feet. If the size of the addition were reduced to meet the requirements, the porch would measure 4 feet by 10 feet. If the roof line had to be altered so that it did not line up with the neighbors roof line leakage problems would likely result.

11. Neighbors porches on both sides of the site are enclosed as are the porches of the other row houses on the block.

12. Advisory Neighborhood Commission 1C filed no report on the application.

13. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicants are seeking area variances, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent of the zone plan.

The Board concludes that the applicants have met the burden of proof. The applicants propose to construct an addition of 136.19 square feet which will exceed the allowed lot occupancy of 60 percent by 119.01 square feet, or 8.9 percent. The structure is a non-conforming structure which does not now meet the open court requirement of six feet.

The proposed structure will continue to provide a court width of 4.17 feet requiring a variance of 1.83 feet or 30.5 percent. The Board concludes that the variances requested are minimal. The nonconformity of the open court is not increased as the existing width will be maintained. The Board notes that the greenhouse addition has been designed so that it will not block light to neighboring properties.

The Board further notes that neighboring properties are improved with similar additions. The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan.

Accordingly, it is hereby ORDERED that the application is GRANTED, SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 6 of the record.

VOTE: 5-0 (William F. McIntosh, Paula L. Jewell, Charles R. Norris, John G. Parsons and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: JAN 16 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.